

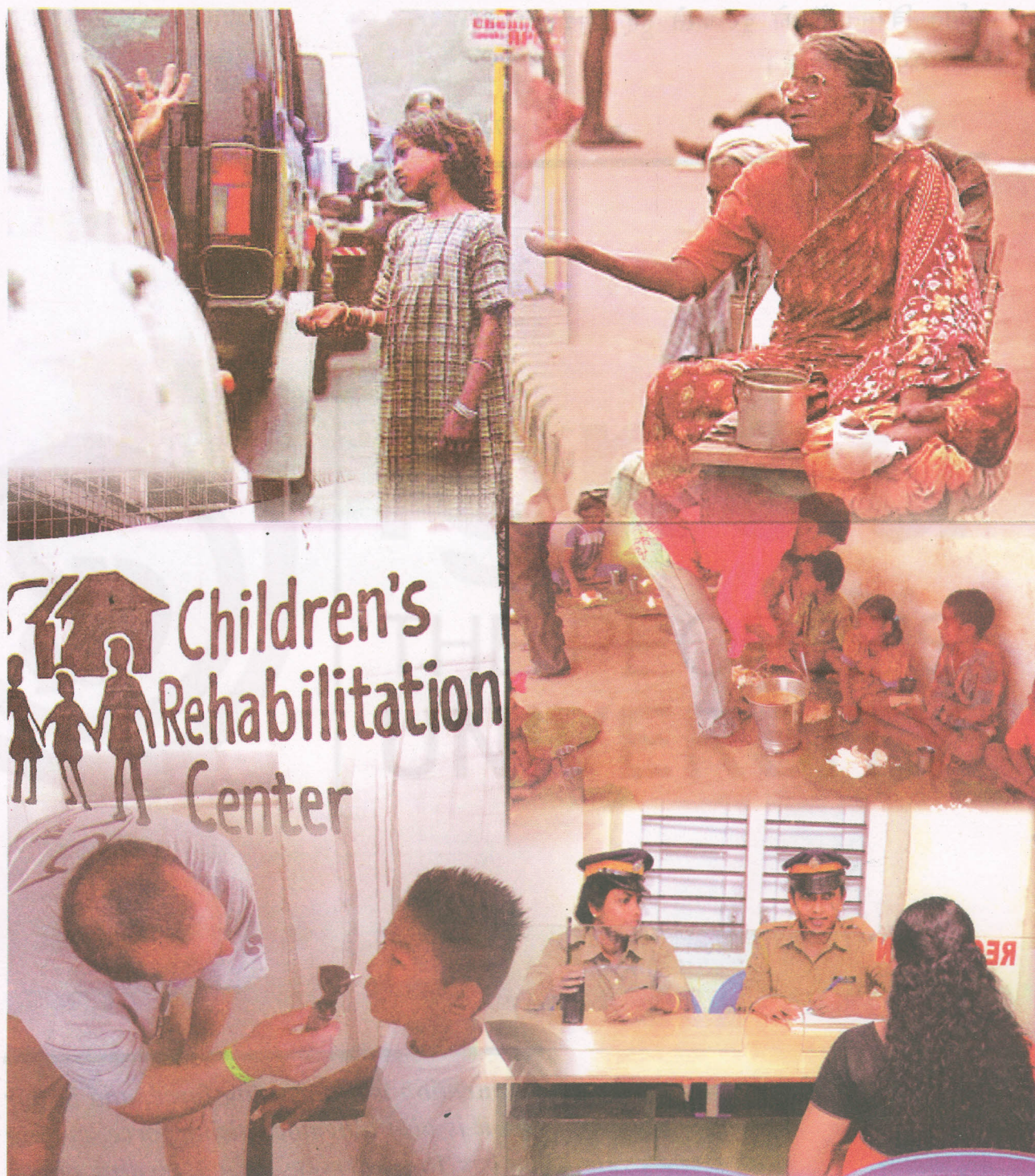


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Indira Gandhi National Open University
School of Law

BLE-033

REHABILITATION AND PREVENTION



“शिक्षा मानव को बन्धनों से मुक्त करती है और आज के युग में तो यह लोकतंत्रा की भावना का आधार भी है। जन्म तथा अन्य कारणों से उत्पन्न जाति एवं वर्गगत विषमताओं को दूर करते हुए मनुष्य को इन सबसे ऊपर उठाती है।”

- इन्दिरा गांधी

“Education is a liberating force, and in our age it is also a democratising force, cutting across the barriers of caste and class, smoothing out inequalities imposed by birth and other circumstances.”

- Indira Gandhi

Block

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PREVENTION

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BLOCK 2 PREVENTION

This block aims to bring out the centrality of prevention as the core issue in human trafficking. There is no doubt that prevention is the best step in the given context. This chapter identifies the role of each one of us in preventing human trafficking. The various strategies, which have been tested in the field, are part of the discourse. Re-trafficking of the survivors is another issue of concern and, therefore, a specific unit has been prescribed for understanding the issues of re-trafficking and for discussion on the steps in preventing re-trafficking. The block concludes with the *Indicators of Prevention*, which can function as the yardstick for making an assessment as to whether one has been able to prevent trafficking or not. In fact, in the field visit prescribed as part of Course BLE-033 as well as in Course-BLEP-034, the students can dwell upon these issues in detail, utilise the indicators in the field and go out with their findings as to whether the initiatives undertaken by the responders, individuals and organizations have been able to prevent trafficking and, if so, how far it has been effective?



UNIT 6 PREVENTION AS A SIMPLE STRATEGY IN THE ANTI HUMAN TRAFFICKING PROCESS

Structure

- 6.1 Introduction
- 6.2 Objectives
- 6.3 What is Prevention?
- 6.4 Why Prevention?
- 6.5 Challenges in Prevention
 - 6.5.1 Lack of Cooperation among the Response Agencies
 - 6.5.2 Lack of Rehabilitation Itself is a Major Challenge in Prevention
 - 6.5.3 Unhealthy Relationship/Competition among the Stake-holders
 - 6.5.4 Initiatives at the Source Area
 - 6.5.5 Lack of Effective Control on Demand
 - 6.5.6 Burgeoning Demand
 - 6.5.7 Non-clarity of Roles
 - 6.5.8 Lack of Attention to the Transit Areas
 - 6.5.9 Addressing the Root Causes in a Comprehensive Manner
- 6.6 Prevention as Part of the Comprehensive Action Plan
- 6.7 Summary
- 6.8 Terminal Questions
- 6.9 Answers and Hints
- 6.10 References and Suggested Readings

6.1 INTRODUCTION

Trafficking is a crime which can be and should be prevented. And undoubtedly, prevention is the need of the hour. It is the most essential and the best mechanism of response to human trafficking. Prevention is multidimensional, multifaceted and involves multitasking.

6.2 OBJECTIVES

After going through this unit, you should be able to:

- discuss why prevention can be used as a strategy; and
- describe the various challenges in prevention.

6.3 WHAT IS PREVENTION?

Prevention is the process by which it could be ensured that the crime of trafficking or re-trafficking does not happen. It includes policies, programmes and all steps undertaken

for (a) empowering vulnerable persons, (b) intervention at the transit areas, (c) containing 'demand' by undertaking proactive steps as well as punitive steps like punishing traffickers and (d) all activities, including policy changes and legal changes, aimed at eliminating trafficking. Human trafficking is a crime which can be prevented, provided the response systems are integrated and holistic.

Self Assessment Questions

1) What is prevention?

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2) Can human trafficking be prevented? Elucidate.

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6.4 WHY PREVENTION?

Prevention is the need of the hour. Trafficking is a crime which can be prevented, as several examples have shown. A concerted action is required against trafficking to eventually prevent it. Prevention is the most essential and the best mechanism of response to human trafficking. If the crime is completely prevented, there is no need for rescue, investigation, rehabilitation, restoration, court proceedings, etc. However, prevention involves in itself several components and draws its strength from protection and prosecution. If a trafficker is arrested, convicted and put behind bars he is being deprived and withheld from carrying out further trafficking. There cannot be a better detriment against human trafficking. Similarly, if the trafficked victim is not rehabilitated properly and not extended the care and attention he/she is entitled to, he/she can very easily be re-trafficked for sexual or labor exploitation.

Re-trafficking is the bane of the existing scenario of response. Many of the rescued persons are re-trafficked. The NHRC¹ study shows an alarming rate of re-trafficking in certain places. Effective steps for protection and rehabilitation of the rescued person will undeniably lead to prevention of re-trafficking. Thus, protection and prosecution also have a lot to contribute towards prevention.

Self Assessment Question

3) Why does re-trafficking take place?

Is police mandated to prevent re-trafficking? If so, under which law?

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¹ Sen, Sankar and Nair, PM, *Trafficking in Women and Children in India*, Orient Longman, 2005. The Book is borne out of the Action Research on Trafficking in Women and Children in India, a Project of NHRC (National Human Rights Commission, India) and UNIFEM, wherein Dr PM Nair was the Principal Researcher – cum – Investigator and the Nodal Officer of NHRC on Anti Human Trafficking.

6.5 CHALLENGES IN PREVENTION

Since prevention involves action at several places and requires concerted action by several stake-holders, it is multidimensional, multifaceted and involves multi-tasking. Therefore challenges in prevention are also many.²

6.5.1 Lack of Cooperation among the Response Agencies

Unless there is an effective linkage between the agency which carries out rescue (mostly police department) and the agency which is supposed to rehabilitate the person (mostly departments of welfare or labour or women and child prevention) cannot happen. Due to this void, re-trafficking continues to occur.

6.5.2 Lack of Rehabilitation Itself is a Major Challenge in Prevention

Despite the fact that several persons are rescued, both in sex and labour trafficking, there is very less effort on proper rehabilitation. The reasons are many. Rehabilitation requires resources, competent agencies, dedication, commitment and above all painstaking efforts. A want of effective rehabilitation, as NHRC³ study shows, is a great impediment in preventing human trafficking.

6.5.3 Unhealthy Relationship/Competition among the Stake-holders

Working at a particular place such as bickering and one-upmanship among responders often creates lot of difficulties. Let us take an example. In a case of 2008, an NGO, on receipt of information about several children being exploited, swung into action and rescued a lot of children from the 'zari' industry where they were being exploited for long. These children were produced before a particular official who refused to take cognizance of the matter. Rather he took no action for certain reasons. These children were kept in a Home by the concerned NGO, which had to move the high court for directing the agency to act. Despite it being a holiday, the high court direction came and the official had to take the initiative reluctantly. The official decided to hand over the children to another NGO, which criticized the earlier NGO alleging certain acts of omission and commission. In the melee, a large number of rescued children disappeared from the office complex and some were reported missing. Finally, while some of the children were handed over to the second NGO, a few remained with the first NGO, the rest remained untraced. This was followed by some mudslinging among the responders thus vitiating the entire scenario. At the end of the day, the real sufferers were the children. At least some of the children who were reported missing may have been re-trafficked and exploited further.

² For details refer Nair, PM, *Human Trafficking: Dimensions, Challenges and Responses*, Konark Publishers, 2010

³ Sen, Sankar and Nair, PM, *ibid*

6.5.4 Initiatives at the Source Area

It is a fact that the existing system of law enforcement in India envisages action at the demand areas rather than action at the source area. Police and NGOs move into action for rescue, mostly at those places where they are being exploited. Therefore, the existing action and the subsequent investigation are mostly oriented towards the scene of exploitation. Very seldom efforts are made to trace the whole issue back to the source area or focus attention in preventing trafficking from these areas. Prevention of trafficking at the source areas inevitably requires active involvement of all stake-holders including the family, the community, the grassroots level democratic institutions, the government bodies, the civil society and so on. Such synergy does not exist in many places and, therefore, source area prevention is almost wanting. Nevertheless there are a few examples of commendable initiatives of source area prevention as can be seen from the following case studies.

Self Assessment Question

- 4) How can one prevent trafficking at the source itself? Give two examples.

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6.5.5 Lack of Effective Control on Demand

Another challenge in prevention of trafficking. Even when the law enforcement machinery takes steps in the demand area, attention is focused only on those offenders who are physically seen there. In a case of sexual exploitation, action is, at best, initiated against the brothel madam, the brothel keeper, the brothel manager and maybe the pimps. In case of labor exploitation, it is usually the company owner, the factory owner, the factory manager and those who are physically seen around who are brought to book. What is lacking is investigation into the traffickers, the recruiters, the harbourers, the financiers, the customers, and all such persons who constitute, contribute or perpetuate the demand. It is known that even the customers who exploit trafficked women are seldom brought to book, except in very few places.

Similarly, the customers using exploitative labor are seldom taken to task. Take the case of a person who knows very well that child labor has been employed in a hazardous industry where it should not have been employed at all, and yet, he buys the product and produce, and utilizes them for himself or for trade. Is that person not violating the rights of child? Is that person not guilty of harm and exploitation of the child? The answer is obvious. Here is an area which requires attention as it can make a difference in prevention. The recent examples of Bachpan Bachao Andolan working with the Carpet Manufacturers Association is a classic case where the NGO prevailed upon the manufacturers to dispense with child labor and to take an undertaking that they will never employ child labor. Through sustained persuasive efforts, the Association made the members agree to this and as a consequence they have brought out a trade mark, which proclaims that the carpet manufactured by these business houses/factories are completely free from child labor. Indeed, a classic example of the initiative in the prevention of trafficking.

6.5.6 Burgeoning Demand

While on one side there is less or nil attention and action on demand, on the other, maybe as a corollary or consequence, demand for human trafficking for all types of exploitation is on the increase. Many business promotions are linked to sexual favours. At many places, tourism has transformed itself into sex tourism. Demand for pornography with younger children is on the upswing. Massage parlours offering home/hotel services of male and female, adult and child are up. Such advertisements are on the increase. Similarly, growing consumerism and a buoyant economy generated tremendous scope for business, trade and construction, all of which have a high of requirement of labour. Labour contractors and suppliers capitalize on this scenario for trafficking labour. Decades of female foeticide has led to a high demand for girls as brides, thus, marriage bureaus have sprung up. Some of them have become 'trafficking bureaus' working under the façade of marriage bureaus. Such dynamics of demand with new trends, new areas of demand, organized nature of demand, multiple types of exploitative utilization of the trafficked person and the minuscule attention and as good as zero efforts to address them have complicated the scenario and all these issues have become major challenges in prevention.

Self Assessment Questions

5) What is meant by demand in the realm of human trafficking?

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6) How is demand the crucial factor in perpetuating human trafficking?

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7) What all steps can be taken to contain demand?

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8) Do you think that by controlling demand one can put a stop to human trafficking?

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6.5.7 Non-clarity of Roles

A major challenge in prevention is that more often the agencies concerned are not aware of their roles at all or are not clear about their specific role in prevention. Each one does what one thinks, and in a most *ad hoc* manner. It is a fact that the Indian Police Act envisages two major responsibilities for the police, viz., detection and prevention. Therefore, police has to prevent crimes. It is their duty and mandate; there is no escape. If it is not prevented it would tantamount to dereliction of duty. However, most of the source areas are located in far-flung interiors where the officials working at the 'demand site' or the person working in the 'rescue area' may not have any access at all. There is confusion as to who should be undertaking prevention aspect in the source area. Let us take an example. If the rescue takes place in Mumbai city and the girls are found to have been trafficked from a place in the bordering district of UP and/or from Nepal, will the police officer in Mumbai influence, or communicate with the police officer in UP or Nepal to undertake efforts to prevent trafficking from that area?. There is seldom any linkage between the two, let alone any synergy on joint action by the two. Therefore, this lack of linkage between the source and the destination area is a major challenge in prevention and it requires concerted efforts by the responders, especially law enforcement agencies on both sides. In the given context, based on information from the demand area, the source area need to act and *vice versa*. The first and foremost requirement is institutionalized networking. The next requirement is mutual flow of information and intelligence. The third requirement is that both sides need to act promptly on the intelligence. The police managers and supervisory police officers concerned have to take the initiative. They have to work with the local government bodies, panchayats, civil society organizations and the community to understand the vulnerabilities, the causal factors and involve the community in the preventive steps. If there is a trafficker, a recruiter, or any representative of theirs, the community should be empowered to become 'whistle-blowers' so that prompt action is taken against him.

Similarly, vulnerability of the population needs to be addressed, which can be done in so many ways. First of all, they have to be made aware of their rights. Secondly, the officials of the district administration, especially the development agencies, have to provide livelihood options and seek to remove the vulnerability in an institutionalized manner. Therefore, the domain swings from law enforcement to development and from the police station to the development office. This means that prevention calls for synergy in the functioning of multi-stake-holders and multi-agencies at the source areas.

Self Assessment Question

- 9) What is the importance of source areas in the prevention of trafficking?

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6.5.8 Lack of Attention to the Transit Areas

There are several transit areas within the country and on the borders which do not get attention at all for various reasons. In some railway platforms one can see several women and children being moved from one place to another. It apparently looks like migration, but it is a fact that trafficking takes place under the facade of migration. Similarly, the international borders from where women and children are trafficked from

one side or another are areas which require attention. The experiment by Seva, the NGO in Sanauli, is a classic example which shows that the initiative by the NGO along with the law enforcement agencies to make people aware of their rights at the transit point on the international boundary made a tremendous difference. In a span of nine months they could prevent trafficking of 65 girls and could 'identify' 35 suspected offenders. Therefore, transit areas, whether it is a bus station or a railway station or an international airport, needs concerted effort and attention by all agencies concerned. Another example in this context is the case of Chennai Airport, where in the year 2002-03 a large number of children were being taken from Bangladesh through India and were being trafficked out to Gulf countries for various activities, including camel racing and begging. They would have moved into the aircraft, but for the timely initiative of the immigration official who suspected foul play. On interviewing one child, he noticed that the children were not willing transients and that the so-called guardians travelling with them were not genuine guardians. The entire racket was exposed and all the children were saved. Such initiatives at the transit point are crucial and essential in preventing human trafficking. However, it remains a major challenge for want of information, initiative and action.

Self Assessment Questions

10) What is meant by a transit area?

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11) How is it relevant in preventing trafficking?

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6.5.9 Addressing the Root Causes in a Comprehensive Manner

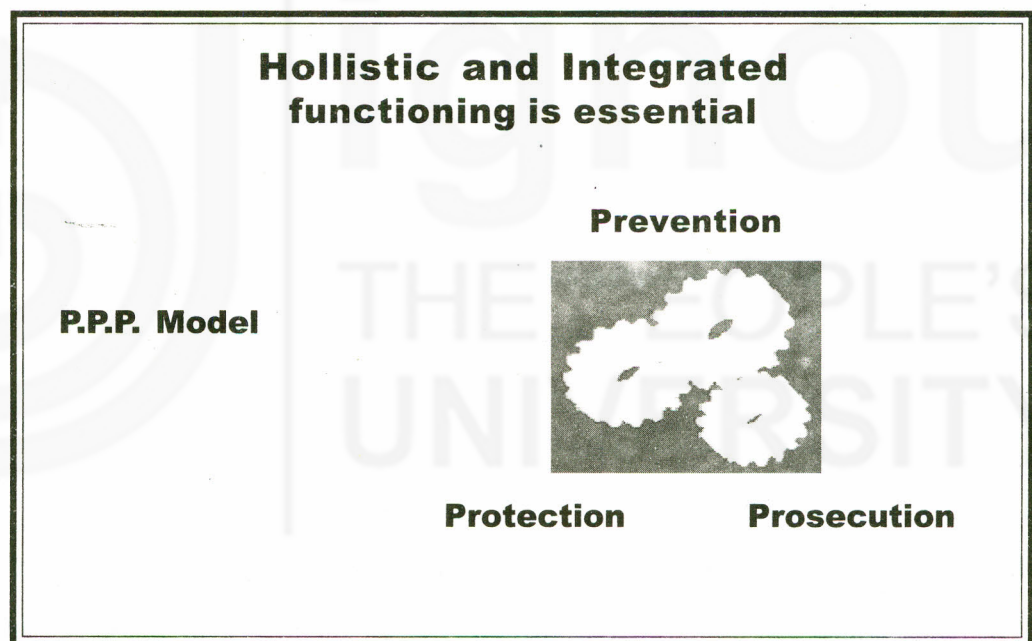
The fact remains that more often protection is given attention even at the cost of prevention. The focus, attention, resources and efforts are all oriented to redressal of grievances and empowerment of the rescued persons. The basic issues in the source areas crave for concerted attention and comprehensive action. Patriarchal mindsets, gender discrimination, female foeticide/infanticide, female neglect, girl-child marriage, dedication of girls to abusers in the name of social or religious customs, etc. have to be removed by effective awareness campaigns, generation of zero tolerance among the masses and bringing in accountability at all levels including community. "It is now urgently necessary to move to a higher level of strategic, 'systemic action, which addresses the social-economic conditions and gender discrimination that drive young women from certain regions to leave without adequate safeguards'. Gender budgeting of all spheres of activity needs to be attended to ensure that equity is ingrained. Appropriate political will need to be generated and effectively channelized into all policies and programmes of government and non-government sectors. Principles of equality, equanimity and human rights need to be the bottomline in all spheres of life and activity.

6.6 PREVENTION AS PART OF THE COMPREHENSIVE ACTION PLAN

Response to human trafficking has to be integrated and holistic. It cannot be unilateral or uni-dimensional. It has to be systemic and not ad-hocist. In this context, one may recall that the three major elements of the response system are:

- Prevention
- Prosecution of offenders
- Protection of the rescued persons

Undoubtedly, prevention is possible only when all these three elements are acted, activated and made to function together, in sync and in tandem. There is a need for synthesis of these three functions. One cannot sustain without the other. Rather, they complement each other. If any one of these pillars is weak, the response system will be skewed and dysfunctional. The desired results will not be achieved. Each one has to lead to the other two and, in that process, would contribute to the systemic response to human trafficking. The PPP model (presented by Dr PM Nair)⁴ is relevant here in understanding this intricate relationship. The three work like the cogs of a machine.



6.7 SUMMARY

Prevention is the process by which it could be ensured that the crimes of trafficking or re-trafficking does not happen. Since it involves action at several places and requires concerted action by several stake holders it is multi dimensional, and therefore challenges to prevention are also many. Among the challenges, lack of co-operation among the response agencies, lack of rehabilitation, unhealthy relationship among the stakeholders, lack of effective control on demand are the prominent ones. So what is needed is that focus, attention, resources and efforts should all be oriented to redressal of grievances and empowerment of the rescued persons.

⁴Nair PM, ibid.

6.8 TERMINAL QUESTIONS

- 1) Is prevention of human trafficking possible?
- 2) What is the linkage of prevention with prosecution?
- 3) Does prevention have any relationship with rehabilitation? If so, the details thereon.
- 4) Does prevention have any relationship with rehabilitation? If so, how is it related?
- 5) Does police have an obligatory role in rehabilitation of the trafficked persons? Is it a part of the mandatory duty to prevent crime?
- 6) How can one contribute to containing demand?
- 7) Are strategies of prevention dynamic? Is it possible to have universal strategies or is it advisable to have local strategies? Illustrate.

Activity

- 1) Interview a re-trafficked person (if the person is willing and ready to be interviewed) and identify the exact reasons for re-trafficking, the persons responsible for the same and what one can do to address these gaps so as to prevent re-trafficking.
- 2) Undertake a detailed study of an initiative by an individual and an agency and analyse them based on the indicators of prevention to bring out the pluses and minuses in both the initiatives.

6.9 ANSWERS AND HINTS

Self Assessment Questions

- 1) Refer to Section 6.3
- 2) Refer to Section 6.3
- 3) Refer to Section 6.4
- 4) Refer to Sub-section 6.5.4
- 5) Refer to Sub-section 6.5.6
- 6) Refer to Sub-section 6.5.6
- 7) Refer to Sub-section 6.5.6
- 8) Refer to Sub-section 6.5.6
- 9) Refer to Sub-section 6.5.4
- 10) Refer to Sub-section 6.5.8
- 11) Refer to Sub-section 6.5.8

Terminal Questions

- 1) Yes
- 2) Refer to Section 6.4
- 3) Refer to Sub-section 6.5.2
- 4) Refer to Sub-section 6.5.2
- 5) Refer to Sub-section 6.5.1
- 6) Refer to Sub-section 6.5.6
- 7) Refer to Section 6.6

6.10 REFERENCES AND SUGGESTED READINGS

- 1) *“Trafficking in Women and Children in India”*, by Sankar Sen (Coordinator) and PM Nair (Principal Researcher and author), Orient Longman, 2005.
- 2) The Anti Human Trafficking Project (2006-2008) Jointly run by MHA, Government of India and UNODC (the United Nations Office of Drugs and Crime), New Delhi, has brought out certain landmark resource materials, as follows:
 - 1) SOP on the Investigation of Trafficking crimes for sexual exploitation
 - 2) SOP on the Investigation of Trafficking crimes for exploitative labour
 - 3) Protocol for interstate transfer of trafficked victims
 - 4) Manual for Psychosocial intervention
 - 5) Manual for Training Police on Anti Human Trafficking
 - 6) Manual for Training Prosecutors on Anti Human Trafficking
 - 7) Compendium of Best Practices by NGOs on Anti Human Trafficking
 - 8) Compendium of Best Practices by Indian Police on the issue
 - 9) Hand Book for Indian Police to address human trafficking crimes
 - 10) Protocol on setting up Integrated Anti Human Trafficking Units in India
 - 11) Compendium on the Legal Framework
 - 12) Posters on eight themes on trafficking
 - 13) Film on Anti Human Trafficking, titled *“One Life, No Price”*, a documentary of 87 minutes, with Amitabh Bachchan, Priety Zinta and John Abraham. (*Dr PM Nair is the Concept advisor for the Film, directed by Dr Sunitha Krishnan and produced by Touchriver Films, Hyderabad in 2007 for UNODC*)

All these materials produced in the Project of MHA - UNODC are available on the website unodc.org/India

UNIT 7 IDENTIFICATION OF STAKEHOLDERS IN PREVENTING HUMAN TRAFFICKING

Structure

- 7.1 Introduction
- 7.2 Objectives
- 7.3 A Human Rights Issue
- 7.4 Broad Categorization of Stakeholders
- 7.5 The Stakeholders in Preventing Human Trafficking for Sexual Exploitation
 - 7.5.1 The Victim
 - 7.5.2 Family Members
 - 7.5.3 Law Enforcement Officials
 - 7.5.4 Counsellors
 - 7.5.5 Medical Professionals
 - 7.5.6 Post-rescue Care Providers
 - 7.5.7 The Community from where the Person was Trafficked
- 7.6 The Role of NGOs in Prevention of Human Trafficking
 - 7.6.1 Prevention by NGOs at the Demand Areas
 - 7.6.2 Prevention by NGOs at the Transit Areas
 - 7.6.3 Prevention by NGOs at the Source Areas
 - 7.6.4 Setting up to Anti Human Trafficking Unit (AHTU) by NGOs
- 7.7 Stakeholders in the Prevention of Human Trafficking for Labour
- 7.8 Summary
- 7.9 Terminal Questions
- 7.10 Answers and Hints
- 7.11 References and Suggested Readings

7.1 INTRODUCTION

Having understood the importance of preventing Human Trafficking, the next step is to know as to who are responsible for prevention; who all have the statutory responsibility for prevention and, if so, what are the dimensions thereon. Also to know if there is anyone other than the statutory authorities who have any role or responsibility and, if so, what are their dimensions? How do they function? Is there any linkage between the statutory and non-statutory bodies? Is there any ombudsman who monitors their activities and any body who facilitates their functioning? These are some of the questions on which this chapter tries to ignite the minds of the reader and tries to help find answers.

7.2 OBJECTIVES

After going through this unit, you should be able to:

- discuss who are the stakeholders in the prevention of human trafficking; and
- analyse the role of NGOs in preventing trafficking.

7.3 A HUMAN RIGHTS ISSUE

Prevention of human trafficking is everybody's business. It is a human rights concern and, therefore, is everybody's concern. Human trafficking affects everybody, directly or indirectly. The ramifications of the problem permeate deep into the society. The impact may be dominant or dormant, visible or invisible, perceived or not perceived at all. Nevertheless, it exists. The impact may be uneven on different sectors and individuals. Therefore it is essential to understand the same in a disaggregated manner. The stakeholders are many and dimensions are multitude.

7.4 BROAD CATEGORIZATION OF STAKEHOLDERS

Accordingly, for the purpose of identifying the specific role of stakeholders, the discussion is oriented on the following lines:-

- Those who are directly affected.
- Those who are indirectly affected.
- Those who are mandated to address the issues of human trafficking.

Those who are directly affected include victims, relatives, family members, friends, community and other persons who are closely linked to the victims. Persons who are indirectly affected are other employees of the organization, the consumers of the products, the care givers, the responders and everybody who is concerned with the human rights of victims.

Self Assessment Question

- 1) How is it stated that every body has a role in preventing human trafficking? Elucidate.

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Those who are mandated to address the issue of human trafficking include those who are mandated by the constitution and law, those with popular mandate like political personalities and those with self-assigned mandate, like NGOs.

7.5 THE STAKEHOLDERS IN PREVENTING HUMAN TRAFFICKING FOR SEXUAL EXPLOITATION

In the context of prevention of trafficking for sexual exploitation, the major stakeholders could be listed as follows:

7.5.1 The Victim

A question can arise as to how the victim, for example the trafficked woman, can be a state holder in the prevention process. Instances are plenty wherein the victim, realizing the potential threat ahead, has managed to find ways and means of getting out of the exploitative ambience, even though it is quite a difficult task for her. A case study will illustrate the point.

Case study

Ms R is now 21, trafficked from Nepal to India at the age of 14. She spent five years in detention in several brothels and massage parlours, constantly being violated and abused. Two years before, she was rescued by an NGO, along with police. The NGO gave her strength and rehabilitated her. Now she works for the NGO as an employee, rescuing several women and children from exploitation. She knows the *modus operandi* of the brothel owners and managers and, therefore, when Ms R goes for rescue operations, she has an upper hand. Maximum number of girls, even those hidden in cubicles and cellars, are promptly rescued. Ms R is not just a stake holder in the process of prevention, but a powerful force to reckon with. There are several Ms Rs in the country who are doing yeoman service in this field.

7.5.2 Family Members

The NHRC study has shown that several trafficked victims have had a difficult family life as children. Broken homes and careless parents have aggravated their vulnerability. Therefore parental care and attention are important aspects in preventing violations of child rights and child trafficking.

7.5.3 Law Enforcement Officials

Nobody can deny the fact that the law enforcement agencies are the prime stake holders in preventing human trafficking. The Indian Police Act, 1861, mandates two major duties for every Indian police official. They are prevention of crimes and detection (including prosecution of offenders). The preventive role of police is multi dimensional. To give an illustration, take the role of a police official in a rural Police Station. He is expected to move around the villages and identify the causes of crime and take steps to address them. Therefore he is duty bound to identify the vulnerabilities that cause or are likely to cause human trafficking and take steps to remove them. He is expected to identify the traffickers and exploiters and prosecute them. He is expected to provide relief to the rescued persons so that they are not trafficked again. All these are different facets of the prevention process.

7.5.4 Counsellors

Best counselling is the one which helps the trafficked person to move out of the trauma and not relive with it. This calls for a trained counsellor. An ill trained or an improperly conducted counselling will add to the woes of the victim. A trafficked person who is counselled well is able to move forward and undertake a livelihood option and live with dignity. Such a person is not liable to be re-trafficked. Therefore proper counselling prevents re-trafficking.

7.5.5 Medical Professionals

Besides providing medical care and attention, they also provide tremendous mental relief to the trafficked persons. Thereby they also have a role almost like that of the counsellors.

7.5.6 Post-rescue Care Providers

They provide the rescued person the opportunity to move on to a life of dignity and respect. They empower the victims against exploitations and violations. If it was not for them, the trafficked persons would have been re-trafficked and exploited further. Their stakes are very high in prevention.

7.5.7 The Community from where the Person was Trafficked

A strong, well networked and organic community will never allow the citizens to be violated. They act as deterrence. It is a cohesive action. Each one for every other. The community feeling is so strong that the traffickers and violators dare not enter such a community. If they venture, it will be at their own peril. The solidarity keeps them strong and provides the best tool against any crime. Therefore it is one of the best tools for prevention of human trafficking.

Case study of Missing Persons

A large number of missing and trafficked women and children are moved across the boundaries and borders of the state and even the country. Police officials are bound by the limitations of the geographical boundaries, whereas the traffickers are not. Several NGOs and their networks have well established linkages across the country and even across the borders, it would be advisable to involve them and utilize their services in locating the missing and trafficked persons and for the follow up activities. The “Human Rights Intervention Centre” started at Sanauli by an NGO, Manav Sewa Sansthan, along with the local community as well as UP Police has made tremendous impact in locating several missing children and also in preventing the trafficking of many of them. In a span of 9 months, they could save 65 girls from trafficking and there by prevent trafficking. Such initiatives should be facilitated, acknowledged, appreciated and promoted. This case study of the community involvement in prevention also shows that the synergy between the government and nongovernmental agencies is the crying need of the hour.

7.6 THE ROLE OF NGOS IN PREVENTION OF HUMAN TRAFFICKING

Prevention of trafficking, like any other organized or continuing crime, can be undertaken at the destination, transit points and at the source itself. Human Trafficking can be effectively prevented only by simultaneous action at all the three levels.

7.6.1 Prevention by NGOs at the Demand Areas

- The ‘pull’ factors need to be identified and controlled / regulated / reduced or eliminated. Several activities can be done in this context. NGOs can facilitate Law Enforcement Agencies in ensuring conviction of offenders and all those who create and perpetuate the ‘demand’. It is possible in several ways, especially by providing adequate information and intelligence (whistle blowers), by providing “victim-witnesses-support” structures etc. No doubt, Indian law permits arrest of offenders (including traffickers) by anybody, including NGOs (Ref: Sec 43 CrPC).
- NGOs can also work with adolescents and undertake targeted interventions to make them aware of gender rights and human rights. This initiative should be undertaken with the College/School going children as well as children of this age

group who may not be going to schools. Considering the fact that the NHRC research on Human Trafficking (Orient Longman 2005) shows that 10 per cent of the interviewed clientele were students, this issue becomes more relevant. This calls for a target oriented approach. One needs to go to that extra mile. Indeed, it is never crowded and this makes the difference.

- Empowering the possible victims and vulnerable persons at the destination areas about their rights. The domestic workers in Delhi who have migrated from places like Jharkhand are known to be vulnerable in their place of work. They could be empowered not only about their rights but about the means and methods to prevent violations and how to deal with eventualities. Brochures, which speak about the redressal mechanisms, preventive steps and contact numbers of people who can be called or contacted when there is likelihood of distress, be supplied to such persons.

7.6.2 Prevention by NGOs at the Transit Areas

Trafficking from one place to another involves transit. The major hub of transit are railway junctions, bus stops, ports, border entry posts etc. 'Rights intervention centre' started by the NGO 'SEWA' of Gorakhpur at Sanauli, with the partnership of local police, is a classic example of prevention of trafficking. In a span of nine months, 65 girls could be prevented from exploitation, by interception at the transit place (for details see the case study in the NHRC book). However, traffickers do look for safe options and rather avoid the known routes. Even the 'no man's land', in between the borders of India and Nepal has a large number of footpaths frequented by traffickers. Effective surveillance and watch on suspects at the transit places, by deputing spotters, can be a good method of interception. The spotters and the details of transit routes, mode of transport and the names of persons involved could be gathered on careful interviewing of victims and suspects. The initiative by SEWA shows that NGOs have a lot of opportunity in attending to all these activities.

7.6.3 Prevention by NGOs at the Source Areas

Initiative by the NGOs at the source of trafficking, especially in attending to the 'push factors' can make phenomenal change in the anti trafficking scenario. There are excellent examples of empowerment and development packages by several NGOs at identified source areas, leading to complete control on human trafficking. NGOs can undertake the following-

- Identifying vulnerable areas, vulnerable persons and vulnerability factors and, thereupon, notifying the authorities for initiating appropriate steps. In fact, identifying victims and likely victims is a major challenge for the law enforcement agencies. NGOs can tie up with the grassroots agencies like PRI (Panchayati Raj Institutions) and other bodies or individuals and help in identifying likely victims.
- Undertaking risk assessment of vulnerable persons, vulnerable groups, vulnerable communities, vulnerable places etc and developing the blue print for concerted action. Such blue prints will be a great asset to all agencies (for example, the Corporate Houses) who would like to undertake Anti Human Trafficking activities.
- Linking up with the corporate and business houses and undertaking activities which would empower vulnerable persons and communities and provide sustained livelihood options including marketing facilities for the product, financial support from the financial institutions, linkages with the appropriate government/non-government agencies etc.

- Linkages with the media to bring media awareness and public attention to human trafficking. For example, Intervention by the media of Meghalaya to the issues of missing children was instrumental in exposing several crimes of trafficking which were happening, but, had not been reported to the Law Enforcement Agencies.
- Public awareness campaigns by NGOs have tremendous potential to generate 'public alert' against trafficking, to shake up the 'culture of silence' by the public and thus create a momentum against human trafficking.
- Facilitating networks of survivors so as to prevent re-trafficking as well as ensuring institutionalized mechanisms of rehabilitation.

7.6.4 Setting up of Anti Human Trafficking Unit (AHTU) by NGOs

AHTU is a special task force, a vehicle of synergy of stakeholders and a means to ensure comprehensive and integrated action against trafficking. Ideally an AHTU should have representation from Law Enforcement officials, other government departments, prosecutors and NGOs. UNODC has set up AHT units in several states and they are functioning effectively. However, NGOs can take initiative in setting up such units and enlist the support of all agencies including government into this NGO-sponsored AHTU. Much depends on their initiative and liaison with the government agencies. By the very fact that AHTUs function on the principle of holistic approach to human trafficking by the active synergy of all stakeholders, these AHTUs can make tremendous impact not only on prevention, but also in facilitating prosecution of offenders and extending proper care and attention to the victims. The infrastructural requirements as well as the day-to-day activities require funds. With proper networking, corporates can be involved in extending support for such no recurring and recurring costs.

- **The community of persons who are concerned with human rights of others:** They are the protagonists of human rights. They are the public spirited person, the activists. Innumerable are the instances where such persons have empowered the vulnerable persons or functioned as whistle blowers in the apprehension of traffickers and thereby, worked towards prevention of human trafficking. The steps taken by such persons have been phenomenal. Some of the examples are below:
 - The changing paradigms in the implementation of the special law of sex trafficking, i.e. ITPA, is a classic case of activism leading to refinement in law enforcement and justice delivery. The situation wherein trafficking was seen from the prism of prostitution and seeing both of these as synonyms has now almost become a thing of the past, at least in several states. Anti human trafficking has moved from prostitution-centric to process-centric, wherein the entire process behind trafficking is being recognized and acted upon.
 - The age of victimization of victim is fast changing to an age of victim-centric action, which is in the best interest of the victim.
 - The primacy of Human Rights is being emphasized and asserted upon. If there is a dispute between law enforcement and human rights, the latter takes predominance. The case study presented in Box 1, page 155, in the book, *Human Trafficking: Dimensions, Challenges & Responses*, by PM Nair will illustrate this point.

7.7 STAKEHOLDERS IN THE PREVENTION OF HUMAN TRAFFICKING FOR LABOUR

In a case of trafficking for exploitative labour the list of stakeholders will include the victim, family members, the community, the factory owners, managers, employees, the persons who trade or utilize the goods and services emerging from the exploitative labour of the trafficked person and everybody who is part of the community concerned with human rights of the trafficked person.

A question arises as to whether the employer who is the exploiter of a person trafficked for exploitative labour is also a stakeholder in the prevention process? Taking a human rights perspective and from the prism of prevention, the exploiters are also stakeholders. There are instances where the employers have realized the acts of omissions and commission on their part and have taken effective steps to prevent human trafficking. It does not mean that the trafficking which indulged by them earlier could be condoned, if it was done with intention and knowledge.

Prevention is everybody's concern and everybody has a role to play in preventing human trafficking: The society at large has a vicarious responsibility if a person is trafficked, because of the fact that such violations of human dignity take place mostly because of a culture of silence permeating in the society wherein one tends to condone or look away when such violations take place. One cannot remain silent to such exploitations. It may not affect the person today but it will certainly affect the society where that person is also a member and, therefore, it can affect the person tomorrow. It is, therefore, the concern of each one of us and everybody has a responsibility in preventing human trafficking and, therefore, all of us are stakeholders in the process of prevention. Roles may vary and the degree of involvement or responsibility may also vary. If all the stake holders recognize their roles, exert their right in ensuring human rights and contribute their might in the process, human trafficking can be minimized, controlled and eventually prevented.

Self Assessment Question

- 2) List out the names of the various stake holders in preventing human trafficking. Briefly describe their roles in this process. Elucidate with examples.

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7.8 SUMMARY

For preventing human trafficking, it is very important to identify who are the stake holders and what are their roles. Those who are mandated to address the issue of trafficking include those who are mandated by the constitution and law and also those who have got self assigned mandated. Prevention of trafficking like any other organized or continuing crime can be undertaken at the destination, transit points and at the source itself.

7.9 TERMINAL QUESTIONS

- 1) Discuss the role of NGOs in preventing Human Trafficking.
- 2) How Anti Human Trafficking unit play a role in preventing trafficking?

7.10 ANSWERS AND HINTS

Self Assessment Questions

- 1) Refer to Section 7.3 and 7.4
- 2) Refer to Section 7.5 and 7.6

Terminal Questions

- 1) Refer to Section 7.6
- 2) Refer to Sub-section 7.6.4

7.11 REFERENCES AND SUGGESTED READINGS

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UNIT 8 STRATEGIES IN PREVENTION

Structure

- 8.1 Introduction
- 8.2 Objectives
- 8.3 Various Strategies
 - 8.3.1 Aggressive Law Enforcement
 - 8.3.2 Addressing Demand
 - 8.3.3 Orientation of Adolescents
 - 8.3.4 Safe Tourism
 - 8.3.5 Corporate-NGO Partnership in Action
 - 8.3.6 Empowering Vulnerable Persons
- 8.4 NGO Initiative in Addressing Vulnerabilities
 - 8.4.1 Human Rights Counselling Centres at International Border
 - 8.4.2 Addressing the Issue of Missing Persons
- 8.5 Role of Media in Prevention
- 8.6 Involving Panchayat Raj Institutions
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- 8.8 NGO Experts
- 8.9 Summary
- 8.10 Terminal Questions
- 8.11 Answers and Hints
- 8.12 References and Suggested Readings

8.1 INTRODUCTION

Prevention is the need of the hour. It is the most essential and the best mechanism of response to human trafficking. Prevention involves various strategies. Apart from various initiatives taken by several NGOs media also plays a role. Moreover, Panchayati Raj Institutions also an excellent instruments in preventing human trafficking.

8.2 OBJECTIVES

After going through this unit, you should be able to:

- discuss the various strategies in prevention; and
- role of NGOs, Panchayati Raj Institutions in the prevention of trafficking.

8.3 VARIOUS STRATEGIES

The strategies are action oriented initiatives undertaken to address an issue. An analysis of the different strategies seen across the country and elsewhere can be analysed in the form of models. Based on the focus of attention, there are different methods of prevention. Some of them are as follows:

Self Assessment Questions

- 1) What are strategies? Are strategies possible in prevention?

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- 2) Are they static or dynamic?

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8.3.1 Aggressive Law Enforcement

When the master trafficker, who was trafficking women and children from Nepal to Delhi for more than a decade, was arrested in Delhi in 2002, the law enforcement officials were surprised to find that he was acting with impunity for such a long time and was not punished. However, the excellent initiative by certain police officers ensured the conviction of the person and his subsequent incarceration in jail. Aggressive law enforcement led to prevention of trafficking, as this person could not indulge in any more trafficking thereafter.

8.3.2 Addressing Demand

This is cardinal to prevention. All efforts in the source areas failed, as the Goa example has shown (see NHRC case study in the NHRC book under reference) because of lack of control over demand. The initiative by Apne Aap, an international NGO based at Kolkata, to be whistle-blowers and activists against persons demanding such services paid dividends. The initiative had many challenges, especially from the powerful lobby of people who 'buy sex' and perpetuate trafficking. However, tactics of naming and shaming made an impact. Similarly, the initiative by Bachpan Bachao Andolan to address the demand of trafficked children in organized and unorganized labour has indeed grown into a movement with several instances of proactive action leading to prevention of trafficking.

8.3.3 Orientation of Adolescents

The NHRC study shows that at least 10 per cent of the customers who visit brothels and other places of exploitation are adolescent children who indulged in such activities due to various reasons. Some wanted to experiment, for some others it was curiosity. For many it was lack of awareness of human rights, gender rights, child rights, etc. For others it was lack of knowledge about HIV, etc. There is a need to address adolescents on all these gaps of information. Therefore, an initiative was taken by certain agencies to address adolescents and this indeed made a lot of difference.

8.3.4 Safe Tourism

This is one of the models of controlling sex tourism. When lot of adverse publicity came against tourism in a particular place in India, the government and the NGOs got together and got hoteliers and tourism operators to come to a common platform and understand the dimensions of trafficking and then decided to go for 'safe tourism'. The tourism sector started advertising that they sponsored only 'child-friendly tourism'. This is non-exploitative tourism where there is no place for sex tourism. The message itself will not make any impact unless one implements it in reality. The AHTUs did carry out surprise checks at various places including hotels, shanties, dhabas, etc. known for sex tourism, and carried out multi-pronged actions. On the one hand, efforts were made for improving awareness and commitment against sex tourism, on the other, law enforcement was activated with proper checks and controls. All these together did make an impact in preventing and controlling sex tourism.

Exercise: To study the case study of Tourism Police, Goa in the NHRC volume and offer comments.

8.3.5 Corporate-NGO Partnership in Action

NGOs working with Corporates have been instrumental in preventing trafficking in many ways. Bachpan Bachao Andolan, an NGO, observed that children were being trafficked to carpet factories, which required them because of their nimble fingers which could weave fine carpets. It was widely believed and practised by carpet manufacturers that to weave the finest carpet, one needs more children to weave together. And finer the carpet, higher was the price. Therefore, there was a premium on the nimble fingers of the child. However, this gain was only for the manufacturer and to an extent the trafficker who supplied or bought and sold the children. The children were paid a meager amount, put through an exasperating time schedule and exploited physically, mentally, economically and in all other respects.

On BBA's initiative, the carpet manufacturers' association and its constituent factories came together to discuss the issue of child rights and business ethics. The philosophy was 'do your business well, but spare the childhood for studies'. The carpet manufacturers' association decided to stop employing children and the exploitation of children in carpet manufacturing, especially in the light of the hazardous nature of the industry, the challenges to the health of the children, the fact that the children were being deprived of their freedom of childhood and above all the opportunity to study in schools. A new brand name was given for carpets made without child labour. With wide publicity the association's carpet sale has only gone up. With awareness the carpet users are also comfortable buying good quality products which are devoid of exploitative labour. It is a commendable initiative indeed by the NGO-Corporate partnership in preventing child trafficking.

8.3.6 Empowering Vulnerable Persons

Initiatives in generating zero tolerance among the vulnerable section have an undeniably demonstrative effect in preventing human trafficking. The vulnerable person needs to be empowered. The process of empowerment comes through several stages:

Step-I - Aware

Step-II - Recognize

Step-III - Resist

Step-IV - Revolt

Step-VI - Reassure

Initially, the vulnerable person may be totally ignorant of the lurking danger. Such a gullible person needs to be educated. Knowledge makes her 'aware'. When she assimilates it into herself, maybe by peer examples or media reports or through counsellor's stories, she moves to the stage of recognizing that she is vulnerable. The empowerment dosage by the responder attending to her makes her resist the violation/possible violation. Further strength helps her to revolt and save herself.

Indian Penal Code specifically provides for right of private defence, wherein one can even cause harm to the offender, if it is essential and no other option is available, and yet the person is not legally liable for any harm to the offender. This process also involves reporting the offence to the legal agency, i.e., the police. The victim's statement has great legal value in punishing the offender. Finally, the victim has a right to be assured of redressal of grievances and against repetition of violence. The police are mandated to ensure this and prevent further harm to the victim. An ideal stage of empowerment with all these steps can bring in zero tolerance against all exploitation and is the ideal situation in preventing human trafficking.

Self Assessment Question

3) What are the different stages of empowerment?

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8.4 NGO INITIATIVE IN ADDRESSING VULNERABILITIES

An innovative step was taken by an NGO, Bhoruka Public Welfare Trust (BPT) in identifying and addressing the vulnerable factors in several villages on the Indo-Nepal border. It was observed that several villages located on both sides of the border were a known source area for traffickers. Many children, both girls and boys, had been trafficked at different points of time or were reported missing and yet remained untraced. A door-to-door survey was carried out by the NGO to identify the vulnerabilities. It was an instance of micro research. The NGO then got several stake-holders to address these vulnerabilities, especially by providing livelihood options to the persons, providing employment opportunities and sustained income. In the process each vulnerable person was made aware about human trafficking: how one can be lured or trapped or deceived by the traffickers, the kind of exploitations that can take place in human trafficking, how one can help oneself from being a prey to trafficking and how one can help others from being trafficked. On the one side, it was providing general awareness, rights awareness and waking one up to the challenges. On the other side, it was capacity building, providing livelihood options and facilitating the appropriate response to the challenges. Together they created a tremendous impact. The 'culture of silence' was transformed into one of 'zero tolerance'. Without doubt, the NGO could claim that in these villages where they had worked for quite some time, there will not be any human trafficking. They prevented trafficking. Indeed a great, credible model in prevention.

Self Assessment Questions

4) Elaborate the concept of 'culture of silence'.

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5) Is 'zero tolerance' possible in the context of human trafficking?

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6) If so, what needs to be done?

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8.4.1 Human Rights Counselling Centres at International Border

The NGO, Seva, worked with UP police and identified certain areas on the Indo-Nepal border where human trafficking was rampant. The NGO had undertaken extensive study, research and field work on the entire border to identify the dimensions of trafficking, to map trafficking routes and to work out realistic responses. One of the activities identified was to set up rights awareness centres. To begin with, at Sanauli in Gorakhpur district, they set up a kiosk where trained counsellors and trained law enforcement officials were put in the service of the people who were moving in or migrating from Nepal to India. The migrants were given counselling on safe migration, on human rights, legal rights, etc. and thereby empowered them on what all they could do in case of any violation, or perceived threat to oneself or others, how could they prevent trafficking and other violations against oneself and others. These kiosks also provided pamphlets and resource materials in simple, user-friendly format, in Nepali, Hindi and English languages. The pamphlets were also used for counselling and empowering the migrant persons who are moving across the borders.

Movement of persons between India and Nepal is unrestricted as per the agreement between both the Governments in 1951. Therefore, while no one could stop migration, one could ensure that the migrants are empowered about their rights and ensure that under the garb of migration no human trafficking takes place. The experiment was also a method to identify if there is any trafficking under the façade of migration and if so the dimensions thereon. This counselling process, which took lot of time, effort and resources made a difference. In a span of nine months, from the setting up of the kiosk, a total of 3,535 persons were counselled. Of these 3,435 appeared to be genuine migrants who moved in freely, but fully empowered through the counselling. Rest of them were not so

clear and required further detailed counselling and interviewing. This was undertaken jointly by the police officials and the trained NGO counsellor. In this process it was discovered that 65 of them were victims of trafficking and 35 of them were suspected traffickers. The victims were handed over to the NGO across the border and the suspected persons were handed over to the law enforcement agencies across the border. It is possible that, even among 3,435 who had migrated, there may be some more trafficked persons and some more traffickers. However, it is not so easy to come to grips with the complete dimensions by simple counselling technique across the border. Moreover, the counselling was only to provide human rights orientation and also to ensure that they are safe during and after migration. Nevertheless, in this unique experiment of facilitating rights orientation to the migrants, the NGO-police partnership could not only locate the undercurrents and dimensions of human trafficking, but also prevent several persons from being trafficked.

Activity

Visit one of the Transit Centres on the international borders of UP or Bihar. If not possible, visit 'Home' where women and children trafficked across the borders are lodged. Without causing any embarrassment to them identify the difficulties and challenges they have faced during international trafficking.

8.4.2 Addressing the Issue of Missing Persons

In a particular state, the police officers realized the linkages between 'missing persons' and 'human trafficking' and decided to attend to all the 'missing persons complaints' on a sustained manner involving not only law enforcement agencies, but also the NGOs. It is a fact that, for various reasons, many people prefer to make reports to the NGOs. Therefore, this concerted action by the NGOs and police made a difference in this particular scenario. All instances of persons reported to the police or NGOs as 'missing', as well as instances of missing persons even if it has not been reported to anybody, during the last few years, were listed out and an effort was made to check them one by one. Due to the concerted effort, most of the missing persons were rescued or retrieved or recovered or brought back from many other places. It was revealed that some of these were victims of sexual or labour exploitation for long periods. This experiment in addressing the issue of missing persons at the spot, in a focused and concerted manner, made a tremendous impact in the entire scenario. This initiative at the grassroots made people realize that a person 'reported to be missing' could have been trafficked. Public alertness against traffickers was a great step in prevention.

8.5 ROLE OF MEDIA IN PREVENTION

During the year 2002 in Meghalaya, the media decided to bring out pamphlets and write-ups and stories on human trafficking and also educate the public as to how children and women can be trafficked. They brought out snippets, raising frequently asked questions, providing answers to these questions and igniting the minds of people to ask questions. Some of the questions were as follows: "If your daughter has gone to Mumbai for acting in films, it is good that she is employed, but do not forget to check whether she is safe or whether she is being exploited or violated". "If your son has gone for employment in a particular industry in a particular place, please check if the person is employed in the same place or not and whether he is comfortable or not". "If your daughter or son is missing, do not blame them that they have run away, as it is possible

that they have been made to run away, i.e., she/he could have been trafficked". These messages also gave the suggestion and solutions for action. "If you have no facility or no wherewithal to check, here we are".

A team of police officers, NGOs and media persons, who were committed to the cause, was formed. Their telephone numbers were advertised and the public was exhorted to contact them at any point of time giving the details. It was also advertised that this team will take responsibility to do the verification and get back to the informers at the earliest. The result was phenomenal. In a span of a few months several instances of human trafficking, of both boys and girls, for different types of exploitation came to the notice. This made the public also aware about the dimensions of human trafficking, how the traffickers lure the people, how one can keep a watch on such people, how one can serve oneself and others from being trafficked, etc. This initiative by the media made a lot of difference in preventing human trafficking.

8.6 INVOLVING PANCHAYAT RAJ INSTITUTIONS

The Tamil Nadu Government has issued a Government Order (GO) constituting a committee under the chairmanship of the elected Panchayat representative for preventing human trafficking at the grassroots. This is part of the three-tier system, one at the state level headed by the Chief Secretary, and the other at the district level headed by District Collector. The third tier at the Panchayat level is an excellent initiative in preventing human trafficking. The Panchayat representatives were trained to network with the police and the NGOs in the area, they were sensitized and trained regarding the various dimensions of human trafficking, their roles, responsibilities and powers and how they can help themselves in preventing human trafficking. These empowerment programmes have made a tremendous impact and have been appreciated as a good model in preventing human trafficking at the grassroots and source areas.

Self Assessment Question

- 7) How can Panchayats be agents of change in preventing human trafficking?

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8.7 EMPOWERING THE RESPONDERS

It is an irrefutable fact that existing response systems leave much to be desired. Some of the issues commonly seen across the world are lack of priority, lack of response, improper or insufficient response, victimization of victims, delayed, inadequate or even nil action against violators, nexus among the offenders and responders, lack of supervision of the responders, lack of accountability, lack of impact assessment and poor attention being given to redressal mechanisms, less focus on prevention and lack of rehabilitation. By providing the required orientation, capacity, capability and resources, the responders can be empowered and made competent, efficient and accountable. Empowerment, in the given context, would mean augmenting the capacity, capability and performance of the responders in addressing the issues from the best interest of victims or likely victims

and, therefore, is a consolidation of four major domains, Knowledge, Skills, Attitude and Resources.

The process of empowerment and capacity building is complete and effective only when there is adequate emphasis on the contents as well as on the methodology. Besides basic training, regular refresher courses and timely orientation to the new challenges and issues with updates on all the four domains are essential. The process of empowerment envisages several steps:

- Training needs analysis.
- Developing course curriculum.
- Identifying appropriate methodology.
- Selecting right trainers.
- Orienting the trainers.
- Identifying the trainees.
- Deciding the venue, date, time and duration of training.
- Arranging the logistics for training.
- Arranging the resource materials.
- Invites and notifications to the trainers.
- Imparting or conducting the training.
- Evaluation of the training process.
- Amending the training process

Training needs analysis (TNA) and Training gap analysis (TGA): This is an exercise in understanding the gaps in the field. Due to uneven levels of knowledge, skills and professionalism, TNA and TGA will throw up the weak spots in the given situation. The best TNA/TGA would probe into all issues in the existing response system and bring out the challenges, best practices as well as bad practices which have been noticed in the response. It would also take into consideration the feedback from the victims, their care providers, law enforcement officials including prosecutors, judicial officials and police officers as well as activists, NGOs and others who are associated with the response process. The TNA/TGA will bring out not only the requirement in the content of training but also the method of training as well as the resources required.

The course curriculum is developed based on the feedback from the TNA/TGA. Though certain common issues remain to be addressed universally, several issues are local and, therefore, the course content will differ with the context. Moreover, it will, and need to be, dynamic, being subjected to regular changes, based on the feedback. The course curriculum developed by the UNODC, New Delhi, based on several rounds of TNA/TGA can be a model.

The methodology is the one which gives flesh and blood to training. Best methodology is that which would appeal to the trainees, drive home the point with minimum effort and make a lasting impact on them. Some of the common methodologies which have been adopted and tested in Anti-Human Trafficking training are (1) Case study method, (2) Incident analysis (debates and interpolation), (3) Experience sharing, (4) Theatre performance (by experts who are well-versed with the subject), (5) Visit to rehab homes (and discussions thereafter), (6) Victim . speak, (7) Screening of films, (8) Power Point Presentations, (9) Chalk and talk method, (10) Story telling and (11) Puppetry.

Self Assessment Question

- 8) List out new methodologies of training. Add a word about the special feature of each one.

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Whereas the usual chalk and talk method may be good with respect to the beginners, adult learners would be comfortable with a different methodology. By trial and error, appropriate methodology has to be finalized. However, this will also be dynamic and would require amendments from time to time. When the victim is made to speak before an audience, adequate care has to be taken to ensure that the victim is willing and ready to speak. Willingness should be based on informed consent. It is advisable that the victim is projected as a resource person rather than anything else.

A *good trainer* will be one who has an adequate experience in the field, a positive outlook, having appropriate communication skills, ready to listen and take on questions, and leave the trainees empowered and not otherwise.

Experience, as Huxley says, is not what happens to a person, but what a person does with what happens to him. Moreover, experience by itself does not make a man competent to be a trainer. Therefore, adequate care needs to be taken while selecting trainers, because a bad trainer can cause damage to the trainee. Technical subjects will require experts. In a comprehensive training on Anti-Human Trafficking, experts would be required.

A *psychosocial expert* who can address the art and science of counselling, interviewing, methods of providing care and attention of victims as well as assessment of mental harm to the person.

A *forensic expert* who can address the issues of age verification, assessment of injuries and damages, providing medical care etc, as well as assessment of physical harm.

A *legal expert* is the one who has grassroots experience of the law in practice. There is a lot of difference in theory and practice. Therefore, a legal professional who has adequate experience of the challenges in implementing the law be selected so that he can orient the trainees to utilize the provisions of law to the best advantage of the victim, by citing recent rulings of the courts of law with respect to the subject concerned.

An *expert on investigation* should be the one who has not only investigated crimes of human trafficking but also rescued victims, interviewed them, attended to the various steps in investigation, prosecuted the case, gave evidence in the court of law and thereby gone through the various steps, the twists and turns, of the investigative process. Human trafficking crimes have to be investigated from a human rights perspective wherein the victims have to be handled with extreme care as they are highly traumatized. Further it has to be investigated from an organized crime perspective, linking up the source, transit and demand, the various persons involved at these places. Such finer aspects of investigation require appropriate knowledge and special skills. Undoubtedly, investigation is an art as well as a science and calls for high level of professionalism. If the investigator has to be oriented to these demands of investigation, the trainer has to be equally

8.8 NGO EXPERTS

Integrated response to human trafficking mandates synergy of law enforcement agencies and NGOs. There are specific roles which the NGOs play in different contexts. In the Indian scenario, NGOs are called upon to play multifarious roles like intelligence collection (whistle-blowing), conducting rescue, interviewing victims/ witnesses, counselling victims, providing after-care including rehabilitation, preventing human trafficking by empowering the vulnerable persons, targeted interventions, helping all concerned to flag the issues and bring them on the agenda of the responders and work as pressure-group in making the responders respond appropriately etc. Therefore, services of NGO trainers have to be utilized for various specialized activities which they undertake. Their capability, competence, experience and integrity are the cornerstone for selecting appropriate NGOs. The training on anti-human trafficking will be incomplete, if NGOs are not associated in the process.

Venue and date of training have to be decided in consultation with all concerned especially the trainees, the trainers and the resource persons. Experience has shown that the convenience of the trainees should be paramount. It has been observed that moving the trainees out of the rigmarole of daily activities and providing them an appropriate and comfortable atmosphere for training had the best impact. No doubt, the venue should have adequate arrangements of the training aids and other infrastructural requirements. It is essential that the trainer has eye-to-eye contact with trainees during the training period.

Logistics required in arranging training includes adequate space, communication systems, LCD projectors, computers, electricity, flip charts, copying machines, internet connection as well as arrangements for food, water etc. The trainees should be able to take notes, handle reference books etc, for which desk/table need to be provided.

Resource materials include published and unpublished materials. It will be appropriate that the resource materials are supplied to the participants in advance so that they can familiarize themselves with the materials before the session starts. Similarly, the resource materials should be in the language the trainees are comfortable with. The trainers should, during the course of their session, lead the trainees into the appropriate resource materials and thereby effectively link up presentation with the resource materials. Course Material Appreciation (CMA) should be an essential part of any training curriculum. In this context, it is essential to note that there is no point in reinventing the wheel. Adequate resource materials are now available.

The invites and notifications should go well in advance, through the appropriate medium (internet, telephone calls, SMS, postal etc) which is in vogue. The trainers should be notified about the existing gaps in the levels of knowledge and skills of the participants, the requirements of attitudinal changes etc. so that the trainers can orient their performance accordingly. One should not forget extending a letter of thanks to all concerned and in making timely payments which are due (travel cost, hotel bills, honorarium etc.).

Conducting the training is an art which requires excellent managerial skills. The trainers have to be intimated in advance about the training curriculum, the capability of the trainees and the expectations from the trainers. Question and answer sessions should be facilitated and clarifying doubts is a must. Care should also be taken to ensure that

the trainers do not mislead or project wrong facts and ideas. There is a need to have proper checks and balances.

Curriculum should be drafted in such a way that there is appropriate mixture of classrooms with theatre performance, outdoor visits, films shows etc. The supervisory formations should be kept in picture before, during and after the training. Experience shows that persons of eminence can be invited for inauguration and concluding sessions, as their messages carry weight. It is also noticed that the trainees can make impact on such persons during their interactions with those in positions of authority. Thus, it works both ways.

Evaluating the training process is an indispensable requirement as it would assess the impact of the training on the trainees, help realize the weaknesses in training process and facilitate its timely redressal. Evaluation of anti-human trafficking in training is essentially of two types, (a) evaluating the impact on the trainees and (b) evaluating the training process, which includes the quality, capability, delivery and impact of the trainers, the resource materials, the content and methodology, the infrastructural facilities etc. Both aspects are equally important. Evaluating the trainees can be done by several methods: pre- and post-training questionnaire, experience sharing by trainees, confidential reports by trainees, interactive session between trainees and organizers and independent evaluation by an outside agency.

The easiest thing to do in such a context would be to administer a pre- and post-training questionnaire. The questions should be simple and cover all issues, knowledge, skills and attitude. In this context a copy of one of the questionnaires used in the UNODC programme may be taken from the UNODC website.

An effective training programme is the one which makes a long-lasting impact on the trainee. More often it has been noticed that upgradation of knowledge and skills are not so difficult as changing the attitude. The patriarchal mindset, gender discrimination, usurping rights of the child by the guardian, decision-making on behalf of the victims without consulting the latter etc. are certain manifestations of the prejudice existing in society. No wonder, these prejudices are reflected in the attitude of the response agencies too. Therefore, the training process should give priority for the attitudinal orientation. The related aspects should be reflected and discussed throughout the training process.

Amending the training process based on feedback and evaluation should be a constant phenomenon. The training curriculum and methodology should be dynamic. It will be appropriate to develop a channel of communication between the trainers/training institution and the trained personnel who are working in the field. Additional inputs from the field formations can and should be utilized for amending the training process and making it as realistic as possible. The proof of the pudding is in its eating. The impact of training lies in the best delivery and performance by the trained personnel. The best indicator of the impact of training certainly lies in the achievements and outputs by the trained personnel in addressing the various aspects of human trafficking.

Activity

- 1) Visit website unodc.org/india and see all the Resource materials including Training Manuals developed in the UNODC Project on Anti Human Trafficking, 2006-2008. List out all the tools available and prepare a chart indicating the agencies/institutions which can utilize these tools in preventing HT. Also list out the mechanisms and steps that these agencies should adopt in utilizing these tools.

8.9 SUMMARY

There are various strategies in prevention of human trafficking. Adolescent education, safe sex tourism, corporate-NGO partnership, empowering the vulnerable are some of the strategies that can be adopted. Human rights counseling centres at various international borders where trafficking is rampant can also be a fruitful approach. With the help of pamphlets, write-ups and stories on human trafficking, media also be proved to be a strong instrument in this regard.

8.10 TERMINAL QUESTIONS

- 1) How human rights counseling centre at various border areas can be helpful in preventing human trafficking? Give example.
- 2) Do media play any role in prevention of human trafficking? Explain.

8.11 ANSWERS AND HINTS

Self Assessment Questions

- 1) Refer to Section 8.3
- 2) They are dynamic
- 3) Refer to Section 8.3
- 4) Refer to Section 8.4
- 5) Refer to Section 8.4
- 6) Refer to Section 8.4
- 7) Refer to Section 8.6
- 8) Refer to Section 8.7

Terminal Questions

- 1) Refer to Sub-section 8.4.1
- 2) Refer to Section 8.5

8.12 REFERENCES AND SUGGESTED READINGS

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UNIT 9 PREVENTING RE-TRAFFICKING

Structure

- 9.1 Introduction
- 9.2 Objectives
- 9.3 What is Re-trafficking?
- 9.4 Causes of Re-trafficking
 - 9.4.1 Lack of Counselling
 - 9.4.2 Lack of Rehabilitation
 - 9.4.3 Defective Rehabilitation
 - 9.4.4 Stigmatization
 - 9.4.5 Victimizing of Victim
 - 9.4.6 Lack of Security Systems
 - 9.4.7 Lack of Sensitivity among Care Providers
- 9.5 What Amounts to Proper Rehabilitation?
- 9.6 Is Rehabilitation Oriented to the Victim?
- 9.7 Prevention Strategies against Re-trafficking
- 9.8 Summary
- 9.9 Terminal Questions
- 9.10 Answers and Hints
- 9.11 References and Suggested Readings

9.1 INTRODUCTION

Re-trafficking is the process by which a trafficked victim or survivor already rescued is again trafficked. A trafficked person is always susceptible to re-trafficking and continued exploitation. The causes of re-trafficking are many and varied. Stigmatization, Victimization, defective rehabilitation are some of the reasons of re-trafficking.

9.2 OBJECTIVES

After going through this unit, you should be able to:

- discuss the various underlying causes of re-trafficking; and
- describe the various strategies against re-trafficking.

9.3 WHAT IS RE-TRAFFICKING?

Re-trafficking is the process by which a trafficked victim or survivor who has been earlier rescued from exploitation is further trafficked and exploited. Therefore, it means that a person once trafficked is trafficked again. A question arises as to whether the person should be subjected to the same level or type of exploitation and whether should be trafficked to same type of exploitation, in order to classify as re-trafficking? Since re-trafficking is not a legal word, it is better to go for a practical understanding of the

situation. In the normal parlance, a person trafficked for sexual exploitation is said to be re-trafficked only when the person is again trafficked for sexual exploitation. Therefore, if the person is trafficked second time for exploitative labour, it is generally not be considered as re-trafficking, nevertheless the person is again being trafficked. Nevertheless, it amounts to re-exploitation of a person who has already been exploited once or more. There can be a situation where a trafficked person is re-trafficked a second time, a third time and so on. The process could be unending unless and until it is arrested or reversed by careful and proper intervention by somebody or some agency. Therefore a trafficked person is always susceptible to re-trafficking and continued exploitation. The element of repeated exploitation and violence loom large till such time the person is properly rehabilitated.

Self Assessment Question

1) What is re-trafficking?

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2) Why does it happen?

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9.4 CAUSES OF RE-TRAFFICKING

In order to understand the methods of prevention of re-trafficking, it is imperative to know the causes and dimensions of re-trafficking. The causes are many and dimensions are varied. Further, they differ with respect to the situation, the purpose and even the place. The cause of re-trafficking at a place, at a given point of time, may not be as much applicable at another place. Nevertheless certain parameters run common. Let us understand these common features.

9.4.1 Lack of Counselling

A trafficked person is a demolished person, highly traumatized, shocked, exploited, deprived, broken and therefore, is in a terrible state of instability. The person will not know what to do and how to do. Such a person requires immediate counselling. Proper counselling will help the person to get out of trauma and reach a level of minimum comfort zone whereby the person is able to think ahead and move further. Counselling helps the person to become stable and develop trust in oneself and others. It is only a beginning process and not an end in itself. It is essential that the counsellor is a trained and qualified person. Untrained counsellor can be harmful and cause more harm to the victim. Therefore they should be discarded. It is clear that a trafficked person who is not given the benefit of counselling or has been counselled inappropriately, will not be able sustained and such persons are liable to be re-trafficked. Instances are plenty where such victims have run away from the counselling centres only to be re-trafficked.

Activity

1) Visit a Home run by Govt or NGO, meet the counsellor and record the experiences that the counsellor have in the interviewing of a trafficked person.

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9.4.2 Lack of Rehabilitation

Rehabilitation is the essence of protection. It forms the core of care and attention to the rescued person. It provides sustained livelihood option. It re-instate dignity within the human being. It gives respect to the person in the eyes of others. It brings back a feeling of equality and involvement in the trafficked person. As a corollary, a person who is not rehabilitated is exploited to the same vulnerabilities as was before and continues to be on the brink. Such a person can be lured, trapped, enticed, coerced or forced by anybody in command or control or position or any person with utterly motives. As a result, it is almost sure that a trafficked victim who is not rehabilitated will be victim of re-trafficking.

9.4.3 Defective Rehabilitation

Whereas rehabilitation is essential, defective rehabilitation is dangerous if the victim is not provided with livelihood options which are in her best interest, she would not be able to sustained. If the job is not according to her liking she will lose interest soon if there are no proper returns adequate to sustain oneself, she may give it up. If there are no marketing facilities, all her efforts in production will collapsed. Therefore rehabilitation has to be a comprehensive package taking into consideration the need assessment, capability assessment, market requirement and above all, the empowerment process and investment made on the rehabilitated person. If this is not done, the survivor will not be able to sustained oneself., becomes vulnerable and eventually falls prey to re-trafficking.

Activity

2) Visit a Rehabilitation Centre run by Govt or NGO, identify the rehabilitation scheme undertaken by them and collect pictures of anyone scheme with footnotes.

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9.4.4 Stigmatization

A trafficking victim, specially into sexual exploitation, is more often a non- acceptable entity in the society. The community views her as an undesirable, immoral, subhuman and therefore, non acceptable person. The high moral values that the society up holds, at least by the vocal persons in the society, are often self centred and egoistic. Such persons declared standard for other. In their eyes, the trafficked victim who has been rescued from a brothel or massage parlour is a prostitute. For them she is a willing accomplice in the prostitution racket, little realising the fact that they have been lured or coerced into exploitation. More often they understanding members of the society are

silent and therefore the rescued woman is stigmatized as a prostitute, an unwanted element, a loathsome character etc. In such a situation, the trafficked woman will not be able to sustain for long even if she is strong within. She loses hope, become desperate and vulnerable to re-trafficking.

9.4.5 Victimizing of Victim

Though the situation has improved drastically in the last one year, yet the victimization of victim still continues. There are several common violation at the hands of statutory agencies and even civil society partners. More often it commences with a 'raid', wherein the victims are also 'picked up', 'arrested', 'detained', and even prosecuted/ convicted. The story of the victim remains unheard onward. More often she is further violated emotionally and some times, physically. She becomes further victimized, a clear passage to re-trafficking.

Self Assessment Questions

- 3) List out the reasons why a victim feels victimized.

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- 4) Also identify the agency/ agencies responsible for the same.

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- 5) Interview one of the person who could have been responsible for the same and record his views.

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9.4.6 Lack of Security Systems

Instances are plenty where the trafficking person has been subjected to re-trafficking because of the absence of, or inadequacy of, security systems. This could be physical security, emotion security, economic security or social security. When the security remains void, the traffickers and human predators have a field day, pushing the victim to further exploitation.

9.4.7 Lack of Sensitivity among Care Providers

All efforts in rehabilitation fail when the care providers are insensitive. When the police recovers a stolen property from the criminal, it is usually get in a storage room, the

malkhana under lock and key. The rescued person, a victim of human trafficking, is not a person to be kept or locked up some where. It is a person who has to be treated with care and dignity. Further it is a person whose dignity has been robbed off and, therefore, the person requires sensitive and sensible handling with the extreme care and caution. If it is not done, the person becomes vulnerable and it liable to be re-trafficked. In a case from Mumbai during 2006, one lower appeared for accused traffickers and got them bail. A few days after, the same lawyer moved the magistrate to get the victim minor girls released and he succeeded. All these girls were immediate re-trafficked. Six months later when one of these girls was rescued, she spilt the beans during interview and brought out the entire story of re-trafficking. According to the girl re-trafficking may not have taken place if the magistrate had handled the matter with due care and sensitivity and had refused to relief the young girls to the lawyer who had earlier got the accused released.

9.5 WHAT AMOUNTS TO PROPER REHABILITATION?

The discussion above shows that the rescued trafficked person is as vulnerable as a victim, unless and until the person is rehabilitated properly. Proper rehabilitation means rehabilitation in such a way that the person is able to sustain oneself with gainful employment and life of dignity. This involves several aspects. The trafficked victim is traumatized and, therefore, de-traumatization is an essential requirement.

This is followed by counselling of the person in order to understand the core potential and capabilities of the person. Simultaneously the counsellor should identify the scope of developing potential of person as well as a market survey to see how the core potential can meet with the opportunities of employment.

This is followed by placement and thereupon facilitating the development or progress of work.

Marketing the products and produce has also requirement at least in the initial stages to ensure sustenance.

Activity

- 3) Develop a case study of a commendable work on rehabilitation, along with pictures.

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9.6 IS REHABILITATION ORIENTED TO THE VICTIM?

It cannot be said that every trafficked victim requires employment, some may not, for various reasons. For example, a trafficked child may require education rather than employment. Therefore, the rehabilitation is to be need-based.

If rehabilitation is not done based on the parameters mentioned above, the person remains vulnerable and liable to be trafficked again. The data with respect to 929

trafficked victims from 12 States in India, interviewed during the course of the Action Research on Human Trafficking (*where Dr. P.M. Nair was the Principal Investigator-Researcher*) carried under the aegis of National Human Rights Commission during the year 2002-04 (See *Trafficking in Women and Children in India*, Orient Longman, 2005) gives the following details:

“The victims who had been rescued earlier constituted only 9.1 percent of the sample. Of these, 4.7 percent said that they were rescued during the same year (2003), 43.5 percent had been rescued in 2002, 29.4 percent had been rescued during 2000-2001 and 22.4 percent had been rescued before 2000. Among the 85 respondents who were victims of re-trafficking, only a third said that they had been rehabilitated in their communities after the earlier rescue and 67.1 percent said that they had not been beneficiaries of any rehabilitation programme. Those who were subjected to re-trafficking after rehabilitation were asked about the specific reasons that made them vulnerable to re-trafficking. The lack of alternative livelihood options was cited by 35.7 percent of the respondents, 28.6 percent blamed non-acceptance by their families and communities, and the rest (35.7 percent) alleged that the coercive measures and tactics used by their brothel owners and traffickers were instrumental in bringing them back. On being further probed, the respondents spoke about the obligations that life in the brothels imposes on them. The debt bondage in which the brothel owners ensnare them remains one of the major reasons why the victims are compelled to return to the brothels to be further exploited even after rescue.”

The case studies which are incorporated in the book mentioned above bring home several interesting features:-

“Case study No.CS-MH-18 illustrates this point and explains the debt bondage of the victims. The stories of the 85 respondents who were subjected to re-trafficking presents a highly disturbing scenario. It is known that rescued victims are usually arrested as the accused and it is their exploiters who bail them out. After bail the victim is brought back to the brothel and told clearly that the debt bondage has increased as the traffickers, brothel owner has made for the release of the person from the court, has paid to the lawyer for transport, the contingencies and also remitted the court fees etc. Victim is told that all this expenditure has been added to the debt against her and therefore the rate of return, both principle amount and interest, will go high. Instances are many where the victims have been directed by the brothel keepers to entertain more number of customers so as to play back the enhanced liability and debt. The story does not end here. The debt bondage only increases as the day progresses. It never comes down. After all it is the brothel owner to keep the accounts. There are instances where the brothel owners have invited police to stage-manage a ‘raid’, only to enhanced the debt bondage and resultant increase in the level of exploitation.

Case study No.CS-MH-1 explains the viciousness of the whole process, wherein re-trafficking can easily be carried out even by those who are meant to protect the rights of the victims. The study shows that effective and prompt law enforcement, especially against the traffickers and exploiters, appropriate redressal mechanisms with victim assistance programmes, as well as the empowerment of the rescued victims to sustain themselves in dignity are all essential measures for addressing re-trafficking”

9.7 PREVENTION STRATEGIES AGAINST RE-TRAFFICKING

Though there cannot be a panacea, based on the facts and circumstances in the given situations and the experience of the responders in India during the last one decade, the following strategies can be listed out in preventing re-trafficking:-

- Timely and proper rehabilitation.
- Careful counseling and de-traumatization.
- Understanding the core potential of the person and facilitating development and progress accordingly.
- Providing gainful employment with life of dignity.
- Facilitating the marketing of the products and produces.
- Ensuring sustenance of business and vocation.
- Providing education and vocational skills to the trafficked children.
- Expeditious and stringent action against traffickers and all supporters involved in the trafficking process.
- Addressing the issues of demand by law-enforcement, advocacy, media intervention, public awareness campaigns, etc. Aggressive law enforcement incorporate in itself timely intervention, timely rescue of victim, timely arrest of all offenders, in-depth investigation of cases from an organized crime prospective, marshalling evidence systematically and presenting them appropriately in the court of law, taking steps for timely closure of places of exploitation, surveillance on offenders, keeping track of their movements, externment of convicted offenders, ensuring enhanced punishment and fine to repeated offenders and those who violate child rights etc. The list is long and at the same time calls for effective timely and sensitive handling of the issue in a very professional manner by the law enforcement agencies.
- Vulnerability mapping: vulnerable areas, vulnerable persons and giving special attention in understanding the causes of vulnerability and addressing them appropriately. This exercise should be undertaken by all responders specially those who are mandated to prevent human trafficking, the prosecute offenders and provide protection to the rescued person. For example – in a district, the District Magistrate who is incharge of her developmental programme should undertake a vulnerability mapping to identify the woman and children who are highly vulnerable and like to re-traffick. They would entail special programmes and projects to address the vulnerabilities and thereby prevent trafficking. The District Supdt of Police, who is mandate to ensure prevention of exploitation should undertake a vulnerable mapping to understand the likely places of exploitation, the persons who are likely to be exploited as well as the persons who are the possible exploiters and there upon, undertake efforts to ensure that stringent action is taken against the possible exploiters, effective action is taken to provide relief to the likely victims and accordingly trafficking is prevented. Mapping, by itself, is only a means to an end. It has to be followed up by action. The action, if oriented appropriately, can make a difference. Mapping facilitate this difference.

Activity

4) Study the two case studies mentioned above in the Book "*Trafficking in Women and Children in India*", by Orient Longman-2005, and give comments on the following:

- 1) The reasons for re-trafficking.
- 2) Who all were responsible for re-trafficking?
- 3) What were the omissions on the part of the responders?
- 4) Were the acts of commissions on the part of the person which led to re-trafficking?
- 5) How do you assess the trauma of the re-trafficked person vis-à-vis the one who is not re-trafficked? Give a pen-picture.

9.8 SUMMARY

A rescued trafficked is as vulnerable as a victim, re-trafficking is a process by which a trafficked victim or survivor is further exploited or trafficked. Inappropriate counseling, poor and faulty rehabilitation are some of the causes of re-trafficking. Further, it has also been observed that trafficking victims are non acceptable entity in the society. The community views such person, specially a woman as undesirable, immoral and sub human. Such stigmatization puts the woman in more vulnerable condition to be trafficked again. So, a proper rehabilitation of the victim is necessary which means that the person is able to sustain oneself with gainful employment and life of dignify. Some strategies can be opted for the prevention of re-trafficking like timely and proper careful counseling, ensuring sustenance of business and vocation, providing education and life skills etc.

9.9 TERMINAL QUESTIONS

- 1) What are the causes of re-trafficking?
- 2) List out some some strategies for prevention of re-trafficking.

9.10 ANSWERS AND HINTS

Self Assessment Questions

- 1) Refer to Section 9.3
- 2) Refer to Section 9.3
- 3) Refer to Sub-section 9.4.5
- 4) Refer to Sub-section 9.4.5

Terminal Questions

- 1) Refer to Section 9.4
- 2) Refer to Section 9.7

9.11 REFERENCES AND SUGGESTED READINGS

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UNIT 10 INDICATORS OF PREVENTION

Structure

- 10.1 Introduction
- 10.2 Objectives
- 10.3 Challenges in Developing Indicators of Prevention
- 10.4 Developing Indicators of Prevention
 - 10.4.1 The Number of Traffickers under Incarceration
 - 10.4.2 The Period for which Traffickers are in Jail
 - 10.4.3 Number of Exploitative Places Evicted/Closed down
 - 10.4.4 Number of Cancellation of Licence of Hotels when CSE used to take place (u/s 7 ITPA)
 - 10.4.5 Number of Closure/Cancellation of Licence of Industrial Houses which Employed Forced Labour (under labour laws)
 - 10.4.6 Number of Missing Persons Rescued/Recovered
 - 10.4.7 Number of Instances where Suspected Spotters/Recruiters were Located Prevented from Indulging in Trafficking
 - 10.4.8 Number of Instances where Preventive Detention was taken against the Suspected Offenders
 - 10.4.9 Number of Public Awareness Programmes held at Vulnerable Areas
 - 10.4.10 Number of Specific Instances of Preventive Checks/Visits/Verifications undertaken by Law Enforcement Agencies
 - 10.4.11 Advertisements regarding Sexual Services (either openly advertised or under the façade of massage services/transit services etc.)
 - 10.4.12 Number of Man-days Spent in Preventive Steps in all or any of the Items Listed above or any other Activity which could lead to Prevention
 - 10.4.13 Number of Reports, Intelligence, and Information Received from the Whistle-blowers
 - 10.4.14 The Data of Achievements by the AHTU
 - 10.4.15 The Feedback from the Survivor/Rescued Person
 - 10.4.16 The Data on the Number of Survivors
 - 10.4.17 Decrease in the Rate
 - 10.4.18 Overall Improvement in the Security Perception by the Vulnerable Sections of Society
- 10.5 Summary
- 10.6 Terminal Questions
- 10.7 Answers and Hints
- 10.8 References and Suggested Readings

10.1 INTRODUCTION

Indicators are the yardsticks of measurement of any phenomenon. Even in the case of human trafficking, certain parameters and indicators of prevention has been identified. Aggressive law enforcement, stringent punishment and effective disruption of the offenders are some of the strategies in the prevention of human trafficking.

10.2 OBJECTIVES

After going through this unit, you should be able to:

- discuss the developing indicators of prevention; and
 - analyse the challenges in developing such indicators.
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10.3 CHALLENGES IN DEVELOPING INDICATORS OF PREVENTION

Whereas there can be tangible indicators to measure or fathom prosecution of offenders and rehabilitation of victims, it is not so in the case of prevention. Any functional field level police officer would ensure that while on the one side crimes are being reported, on the other several crimes were prevented. However, the data exists only for the former and not the latter. Even civil society also recognizes only reported crimes and not unreported or prevented crimes. Such initiatives always remain unsung, unheard, unreported and, therefore, unrecognized.

Surprising it may be, but true, that the data which is publicized and advertised is only about the offences which the perpetrators have been able to commit but only those which the responders have been able to prevent. If come by any change, an agency ventures to undertake a comprehensive analysis and creation of data base on the offences prevented by the law enforcement agencies and society; it would present a very positive, vibrant and eloquent picture. Unfortunately this system is not in existence in our country and, may be elsewhere. Therefore there is a need to venture into this area.

10.4 DEVELOPING INDICATORS OF PREVENTION

Indicators are the yardsticks of measurement of any phenomenon. And so is the case with social parameters too. However indicators are to obvious and available in the world of science and technology but may not be so in the case of social systems and social problems. Nevertheless the tools of sociological researches have been able to deliver appropriate indicators in measuring social issues and problems. The methodology is different from what one perceive in the field of technology as the parameters may not be on a precision path as in the case of technology. In short, though the indicators of prevention may not be direct or tangible, there are many ways to determine or reckon the steps taken in prevention and the impact thereon. In the world of human trafficking, based on the research, though very few in number, certain parameters and indicators of prevention have been identified and are listed below:

10.4.1 The Number of Traffickers under Incarceration

If the traffickers are in jail, as a corollary, it means that they are bound down and therefore prevented from human trafficking. There may be exceptions where the convicted trafficker may, by dubious means, operate the racket even from jail, yet the number of real-time traffickers in detention is an indicator of prevention of trafficking.

The NHRC study (refer bibliography) shows that a traffickers who has continuously exploiting woman and children by trafficking them from Nepal to India was arrested by the police, even though he continue his nefarious activities for almost ten years.

Accordingly his own admission, he has trafficked not less than 300 woman every year under the garb of providing the employment when he was detained, investigated into, prosecuted and convicted, there was a sigh of relief. Thereafter he is in jail for almost ten years. No doubt, had he not been incarcerated, he would have continued with his nefarious activities and would have trafficked at least 3000 more woman and children. This could be prevented only because he is behind the bars. This case study shows that aggressive law enforcement, stringent punishment and effective disruption of the offenders are one of the best strategy in the prevention of human trafficking.

Activity

- 1) Develop a profile of a trafficker, either based on interview or based on secondary data. Bring out the salient features.

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10.4.2 The Period for which Traffickers are in Jail

The longer the period of imprisonment, the better it is for the victims who would have been trafficked. Graver punishment means better prevention. The law on sex trafficking in India (ITPA) desk provide stringent provisions against the traffickers. After the empowerment process was commenced, Andhra Pradesh Police responded the situation effectively. Today they have, to their credit 100 of convictions of offenders who are in carcerated in jail for decades. No doubt the concerned investigator has done his best and in fact, commendable performance, yet the fact that the triggered started from empowering these police officers by certain public spirited and committed persons from elsewhere, can not be under rated. No doubt the longer the traffickers are incarcerated, the lesser are the number violation by them.

10.4.3 Number of Exploitative Places Evicted/Closed down

For example, under S.18 ITPA the traffickers can move to new places. Nevertheless eviction of a hotel/establishment where exploitation was taking place is a stringent act against trafficking and therefore is an indicator of prevention too. A case of Goa is worth mention here; A Sub Divisional Magistrate who was a part of an empowerment/ capacity building/ training programme organized by UNODC in a project supported by the Ministry of Home Affairs, Govt of India, was charged with the commitment to deliver. This young magistrate released the power and authority entrusted to him by the law of country (specially Section 18 (1) and (3) of ITPA) and, accordingly closed down a hostel building where exploitation of woman and children used to take place for years under the grab of some services. The Magistrate in his presentation lamented that the certain police officials did not cooperate for reasons best know to them and yet he went ahead with the implementation of law under power conferred upon him. The law says that the Magistrate can act upon a report by the police or any other source. He relied upon the second part and relied upon a report by his own source. The matter were settled when the Magistrate closed down the place exploitation under Section 18 (1) of ITPA. No challenge came forward because law is clear under Section 18(3) ITPA.

Self Assessment Question

1) What is Sec 18 of ITPA?

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10.4.4 Number of Cancellation of Licence of Hotels when CSE used to take place (u/s 7 ITPA)

Section 7 of ITPA empowers the agency to suspend and cancel licence of hotel. This is a special legislation and therefore, sways over other normal legislations.

10.4.5 Number of Closure/Cancellation of Licence of Industrial Houses which Employed Forced Labour (under labour laws)

The labour laws of the country has stringent provision in this regard. Implementation, if done properly, will be effective deterrent against trafficking for labour. The available data may be not representative of the problem at hand, nevertheless the data does reveal.

10.4.6 Number of Missing Persons Rescued/Recovered

The research by National Human Rights Commission (see reference) shows that in one year an average of 44000 children are reported missing. The number of children missing, but not reported, may be much more. However among those who are reported missing, an average of 11000 are not traced back. There is a back log of 11000 children untraced and missing every year. Where are they ? The case study by NHRC (See bibliography) shows that several untraced children are languishing in places of exploitation like massage parlour, exploitative labour etc.

10.4.7 Number of Instances where Suspected Spotters/ Recruiters were Located Prevented from Indulging in Trafficking

In a case study from Sanouli in Gorakhpur district of UP (referred to earlier), in a span of few months several traffickers were identified while they were in the process of trafficking young women and, interestingly, under the garb of migration. The case study presented the trends of international trafficking.

10.4.8 Number of Instances where Preventive Detention was taken against the Suspected Offenders

It is a wonderful provision of law in India.

10.4.9 Number of Public Awareness Programmes held at Vulnerable Areas

Because of this the public, who would have fallen pray to the lure/deceit of traffickers, could be saved from becoming prey to them. A case of NGO efforts in Kishanganj on the border of Bihar with Nepal proves the point due to concerted efforts by the NGO, several public awareness programmes were held and there upon human trafficking was prevented. In this context, the services rendered by NGO like Apne Aap International, ATSEC, Rahat, Bhoomika Vihar etc on the international border are commendable.

Self Assessment Question

- 2) How public awareness programme help in preventing trafficking?

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Activity

- 2) The student may visit the site, if not the spot where the NGO mentioned above works and develop a pen picture of the concerned NGO in this field, in brief.

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10.4.10 Number of Specific Instances of Preventive Checks/ Visits/Verifications undertaken by Law Enforcement Agencies

Which may or may not have led to punitive action against anybody, nevertheless had alerted all concerned against HT.

10.4.11 Advertisements regarding Sexual Services (either openly advertised or under the façade of massage services/transit services etc.)

These verified and alertness maintained against exploitation (even if the verification has not led to any criminal action).

10.4.12 Number of Man-days Spent in Preventive Steps in all or any of the Items Listed above or any other Activity which could lead to Prevention

The man-days would include the time spent by law enforcement agencies and other responders including NGOs.

10.4.13 Number of Reports, Intelligence, and Information Received from the Whistle-blowers

This is an indicator of public participation in anti-human trafficking and a great step prevention. Number of AHTUs which are operational in an area in prevention.

10.4.14 The Data of Achievements by the AHTU

Especially the comparative data of impact of the activities undertaken during the current period with corresponding earlier periods, will be another indication to show how far the steps have impacted in preventing human trafficking. The performance of AHTU was required to be documented in a format and a social audit of their performance was to be undertaken on a regular basis. (For details, see details on AHTU at the website unodc.org/India).

10.4.15 The Feedback from the Survivor/Rescued Person

Feedback as to how many valuable persons were saved from trafficking due to the actions initiated against the traffickers and exploiters involved in trafficking the person.

10.4.16 The Data on the Number of Survivors

Data of these who have been rehabilitated and are employed in sustainable livelihood options is another indicator, especially on prevention of re-trafficking.

10.4.17 Decrease in the Rate

The percentage decrease in the rate and actual numbers of crimes and human rights violations against women and children.

10.4.18 Overall Improvement in the Security Perception by the Vulnerable Sections of Society

For example, when the situation improved, women and girls residing in a village on the Indo-Nepal border started visiting markets/bazaars at the border, even during late evenings, whereas earlier they used to rush back home due to the threat of traffickers. The steps taken by the responders to control human trafficking was evident from the changed perception of safety and security by the public. Public perception of security is indeed the best yardstick of safety and security of individuals in any society.

Activity

- 3) Evaluate an AHTU after seeing its performance on ground.

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- 4) Develop yardsticks for the assessment of the crimes prevented.

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- 5) Associate with an NGO and see if you could interview a rescued person (after taking her informed consent) and bring out the salient features which can be utilized for prevention of human trafficking.

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10.5 SUMMARY

Though the indicators of prevention may not be direct or tangible, there are many ways to determine the steps taken in prevention and the impact thereon. Certain parameters and indicators of prevention can be identified. graver punishment, closure down of exploitative places, cancellation of license of hotels, record of missing persons, feedback of survivors etc. are several parameters.

10.6 TERMINAL QUESTION

- 1) Discuss the various parameters of prevention.

10.7 ANSWERS AND HINTS

Self Assessment Questions

- 1) Refer to Sub-section 10.4.3
- 2) Refer to Sub-section 10.4.9

Terminal Question

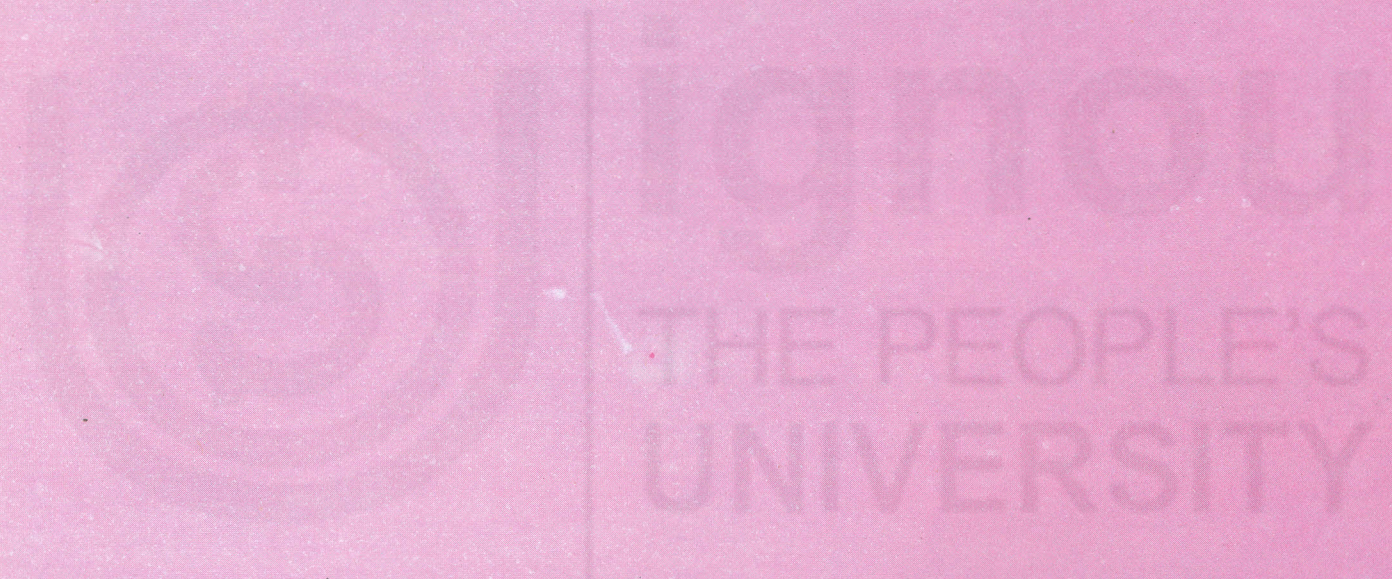
- 1) Refer to Section 10.4

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